

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CECILIA ABREU RODRÍGUEZ; LUIS
MANUEL ALGARÍN RODRÍGUEZ, SAURA
GONZÁLEZ CARRIÓN AND THEIR
CONYUGAL PARTNERSHIP; MELVIN
ENRIQUE BÁEZ MARTÍNEZ; DENNIS
BELTRÁN LABOY, LILLYVETTE MORALES
RODRÍGUEZ AND THEIR CONYUGAL
PARTNERSHIP; LOURDES BILBAO
ORTIZ; MAYRA E. BORGES
MALDONADO; AIDA I. BORGES
RODRÍGUEZ; EMANUEL BURGOS VEGA,
YARITZA VÁZQUEZ CORREA AND THEIR
CONYUGAL PARTNERSHIP; JESÚS A.
CARABALLO DÁVILA; OMAR A.
CARMENATY NEGRÓN, SUHEY MARCANO
PARIS AND THEIR CONYUGAL
PRTNERSHIP; RADAMES CASTRO
LEBRÓN, LEIVA M TRINTA CASTRO, AND
THEIR CONYUGAL PARTNERSHIP; KEILA
J. COLÓN CRUZ; LUIS ENRIQUE COLÓN
FÉLIX, OLGA I. SEPÚLVEDA MEDINA AND
THEIR CONYUGAL PARTNERSHIP; JOSÉ
ANTONIO CORDERO SALDAÑA; CARMEN
REINA CORTES PIÑERO; SANDRA CRUZ
ORTIZ; RENÉ CRUZ VELÁSQUEZ,
CARMEN FERNÁNDEZ ROLDAN AND
THEIR CONYUGAL PARTNERSHIP; CARLA
M. DÁVILA GUZMÁN; SONIA M. DÁVILA
RODRÍGUEZ, LEANDRO E. MERCEDES
POTTER, AND THEIR CONYUGAL
PARTNERSHIP; ÁNGEL DE LEÓN
CONTRERA; MARIBEL DE LEÓN DE
JESÚS; DENNIS JOEL DELGADO RAMOS,
AILENID BRUNO TORRES, AND THEIR
CONYUGAL PARTNERSHIP; JUAN
DELGADO SÁNCHEZ; SANDRA DÍAZ
RIVERA; ROSENDO DÍAZ ROSARIO;
MARÍA M. DÍAZ TELLES, AURELIO
BELTRÁN VELÁSQUEZ AND THEIR
CONYUGAL PARTNERSHIP; JOSÉ M.
ECHEVARRÍA SANTIAGO, KATHERINE J.

CASE NO:

RE: DECLARATORY AND
INJUNCTIVE RELIEF

PADILLA AYALA AND THEIR CONYUGAL PARTNERSHIP; LYMARI ESPINOSA; LUIS ALBERTO FIGUEROA ROSA; LISA M. FIGUEROA RUIZ; RAFAEL J. FIGUEROA SÁNCHEZ, JOSELIN HERNÁNDEZ GARCÍA AND THEIR CONYUGAL PARTNERSHIP; WANDA I. FLECHA AYALA; VÍCTOR FUENTES RIVERA, LOURDES ROSARIO ALICEA AND THEIR CONYUGAL PARTNERSHIP; WILFREDO J. GARCÍA TOLENTINO; ORLANDO GERENA FLORES, YESENIA GARCÍA VARGAS AND THEIR CONYUGAL PARTNERSHIP; YAJAIRA GARCÍA VELÁSQUEZ; GLENDA LIZ GAVILLAN BURGOS; RAMONITA GÓMEZ DELGADO; MARLINE GONZÁLEZ JORGE, JOSEPH CARRASQUILLO MORALES AND THEIR CONYUGAL PARTNERSHIP; ABIGAIL GUZMÁN SUSTACHE; MOISÉS HERNÁNDEZ ESPINOSA, GRISEL RODRÍGUEZ SILVA AND THEIR CONYUGAL PARTNERSHIP; JULIO A. ISALES GARCÍA, ARACELIS ORTIZ REYES AND THEIR CONYUGAL PARTNERSHIP; JUAN A. LABOY CHARRIEZ, LOURDES M. RODRÍGUEZ DE JESÚS AND THEIR CONYUGAL PARTNERSHIP; ANGEL L. LABOY GONZÁLEZ, RUTH S. RIVERA RIVERA AND THEIR CONYUGAL PARTNERSHIP; EVELYN LEBRÓN RIVERA; JOSÉ HIRAM LÓPEZ GONZÁLEZ, ILIANA PÉREZ DE JESÚS AND THEIR CONYUGAL PARTNERSHIP; FÉLIX M. LÓPEZ MALDONADO, DEBORAH REYES FLECHA AND THEIR CONYUGAL PARTNERSHIP; ELISAMUEL LÓPEZ RODRÍGUEZ, ROSEMARIE GONZÁLEZ MARTÍNEZ AND THEIR CONYUGAL PARTNERSHIP; EVELYN MÁRQUEZ CORDERO; MIGUEL MARRERO PÉREZ, LOURDES AMADEO OCASIO AND THEIR CONYUGAL PARTNERSHIP; JULIA MARTÍNEZ PÉREZ, MANUEL DEL POZO LAFONTAINE AND

THEIR CONYUGAL PARTNERSHIP; ROSA MOCTEZUMA VELÁSQUEZ; LYDIA MOCTEZUMA VELÁSQUEZ, LUIS MONTAÑÉS DE LEÓN AND THEIR CONYUGAL PARTNERSHIP; AHMED MOLINA SÁNCHEZ; JACQUELINE A. MORALES DÁVILA; MIGUEL MORALES MORALES; DOMINGA MUÑOZ CLAUDIO; CYNTHIA MUÑOZ ORTIZ; ROSEMARY NAVARRO MERCADO, ISRAEL TORRES BÁEZ AND THEIR CONYUGAL PARTNERSHIP; RUBÉN ORTIZ DÍAZ; ZULEIKA M. PEÑA GÓMEZ; GLORIMAR PÉREZ BÁEZ; MILITZA QUIÑONES MORALES, LISANDER MERCED ABREU AND THEIR CONYUGAL PARTNERSHIP; LUZ RAMÍREZ PINOTT; JAVIER ALBERTO RAMÍREZ SANTIAGO, MARIEL OROFRE SÁNCHEZ AND THEIR CONYUGAL PARTNERSHIP; IDALIZ RIVERA CRUZ; FERNANDO E. RODRÍGUEZ; GISSELLE RODRIGUEZ VEGA; MAYRA ROJAS GÓMEZ; PEDRO ROLDAN CUADRADO, RUTH LÓPEZ TORRES AND THEIR CONYUGAL PARTNERSHIP; EDGAR ROLDAN FONTAÑEZ, CARMEN M. GUERRERO DÁVILA AND THEIR CONYUGAL PARTNERSHIP; CARLOS ROSA RIVERA; KENIA I. RUFFAT VELÁSQUEZ; YADIRA RUIZ DÁVILA, FRANKIE DÍAZ RIVERA AND THEIR CONYUGAL PARTNERSHIP; CESAR SÁNCHEZ SERRANO, ELIZABETH MARTÍNEZ PÉREZ AND THEIR CONYUGAL PARTNERSHIP; CLEORFA I. SANTANA, NELSON RIVERA AND THEIR CONYUGAL PARTNERSHIP; JOSÉ ÁNGEL SANTANA MORALES, YOBERANI RODRÍGUEZ ACEVEDO AND THEIR CONYUGAL PARTNERSHIP; OLGA SEPÚLVEDA MEDINA; LUIS G. SILVA NAZARIO, MARJORIE A. ALGARÍN RODRÍGUEZ AND THEIR CONYUGAL PARTNERSHIP; SONIA SOTO TOLENTINOES; JACKELINE

VAZQUEZ CRUZ; DERMILIS VÁZQUEZ
CRUZ; EMICHELLE VEGA TORRES; JULIO
VILA RIVERA, OMayRA SANTIAGO AND
THEIR CONYUGAL PARTNERSHIP; MR.
JOHN DOE, MRS. JANE DOE AND THEIR
CONYUGAL PARTNERSHIP

PLAINTIFFS

VS.

FEDERAL EMERGENCY MANAGEMENT
AGENCY
26 Federal Plaza, Suite 1337
New York, NY 10278-0002

and

CRAIG FUGATE, in his official capacity as
Administrator of the Federal Emergency
Management Agency

DEFENDANTS

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

TO THE HONORABLE COURT:

APPEARS NOW, Plaintiffs of caption through the undersigned
attorney and respectfully STATES, ALLEGES AND PRAYS:

I. INTRODUCTION

1. This is an action under the Freedom of Information Act ("FOIA"), 5
U.S.C. § 552, as amended, and the Administrative Procedure Act ("APA"), 5
U.S.C. § 701 et seq., for injunctive and other appropriate relief and seeking
to compel the production of records concerning Flood Insurance Rate Map

(FIRM), Flood Boundary and Floodway Map (FHFM), Flood Hazard Boundary Map (FHBM), Flood Insurance Study (FIS) or National Flood Insurance Program (NFIP) map and related designations, all of which are under the possession and control of the Federal Emergency Management Agency.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B). This Court also has jurisdiction over this action pursuant to 5 U.S.C. § 701-706. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

III. THE PARTIES

1. Plaintiff Cecilia Abreu Rodríguez is of legal age, single, resident and owner of the property located in Street #9, J-33, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.
2. Plaintiff Luis Manuel Algarín Rodríguez is of legal age, married to Plaintiff Saura González Carrión, also of legal age, both residents and owners of the property located in Street #14, JA-6, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.
3. Plaintiff Melvin Enrique Báez Martínez is of legal age, single, resident and owner of the property located in Street #9, O-209, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.
4. Plaintiff Dennis Beltrán Laboy is of legal age, married to Lillyvette Morales Rodríguez, also of legal age, both residents and owners of the

property located in Street #9, J-16, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

5. Plaintiff Marianne Berrios Astacio is of legal age, single, resident and owner of the property located in Street #14, JA-4, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

6. Plaintiff Lourdes Bilbao Ortiz is of legal age, single, resident and owner of the property located in Street #9, J-18, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

7. Plaintiff Mayra E. Borges Maldonado is of legal age, single, resident and owner of the property located in Street #9, J-27, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

8. Plaintiff Aida I. Borges Rodríguez is of legal age, single, resident and owner of the property located in Street #11, O-190, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

9. Plaintiff Emanuel Burgos Vega is of legal age, married to Yaritza Vázquez Correa, also of legal age, both residents and owners of the property located in Street #13, M-143, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

10. Plaintiff Jesús A. Caraballo Dávila is of legal age, single, resident and owner of the property located in Street #11, O-198, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

11. Plaintiff Omar A. Carmenaty Negrón is of legal age, married to Suhey Marcano Paris, also of legal age, both residents and owners of the property located in Street #11, O-193, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

12. Plaintiff Radamés Castro Lebrón is of legal age, married to Leiva M Trinta Castro, also of legal age, both residents and owners of the property located in Street #13, N-170, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

13. Plaintiff Keila J. Colón Cruz is of legal age, single, resident and owner of the property located in Street #11, M-136, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

14. Plaintiff Luis Enrique Colón Félix is of legal age, married to Olga I. Sepúlveda Medina, also of legal age, both residents and owners of the property located in Street #9, O-204, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

15. Plaintiff José Antonio Cordero Saldaña is of legal age, single, resident and owner of the property located in Street #11, O-198, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

16. Plaintiff Carmen Reina Cortes Piñero is of legal age, single, resident and owner of the property located in Street #9, M-113, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa.

17. Plaintiff Sandra Cruz Ortiz is of legal age, single, resident and owner of the property located in Street #9, J-6, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

18. Plaintiff René Cruz Velázquez is of legal age, married to Carmen Fernández Roldan, also of legal age, both residents and owners of the property located in Street #13, N-184, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

19. Plaintiff Carla M. Dávila Guzmán is of legal age, single, resident and owner of the property located in Street #14, N-175, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

20. Plaintiff Sonia M. Dávila Rodríguez is of legal age, married to Leandro E. Mercedes Potter, also of legal age, both residents and owners of the property located in Street #13, M-164, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

21. Plaintiff Ángel De León Contrera is of legal age, single, resident and owner of the property located in Street #11, M-133, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

22. Plaintiff Maribel De León De Jesús is of legal age, single, resident and owner of the property located in Street #9, J-32, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

23. Plaintiff Dennis Joel Delgado Ramos is of legal age, married to Allenid Bruno Torres, also of legal age, both residents and owners of the property

located in Street #10, K-68, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

24. Plaintiff Juan Delgado Sánchez is of legal age, single, resident and owner of the property located in Street #11, M-127, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa.

25. Plaintiff Sandra Díaz Rivera is of legal age, single, resident and owner of the property located in Street #3, #27, of the residential area known as Urbanización Yabucoa Real, Yabucoa, Puerto Rico.

26. Plaintiff Rosendo Díaz Rosario is of legal age, single, resident and owner of the property located in Street #14, JA-3, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

27. Plaintiff María M. Díaz Telles is of legal age, married to Aurelio Beltrán Velázquez, also of legal age, both residents and owners of the property located in Street C, #20, of the residential area known as Urbanización Yabucoa Real, Yabucoa, Puerto Rico.

28. Plaintiff José M. Echevarria Santiago is of legal age, married to Katherine J. Padilla Ayala, also of legal age, both residents and owners of the property located in Street #10, L-76, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

29. Plaintiff Lymari Espinosa Jiménez is of legal age, single, resident and owner of the property located in Street #11, O-200, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

30. Plaintiff Luis Alberto Figueroa Rosa is of legal age, single, resident and owner of the property located in Street #8, L-91, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

31. Plaintiff Lisa M. Figueroa Ruiz is of legal age, single, resident and owner of the property located in Street #9, L-85, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

32. Plaintiff Rafael J. Figueroa Sánchez is of legal age, married to Joselin Hernández García, also of legal age, both residents and owners of the property located in Street #9, M-98, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

33. Plaintiff Wanda I. Flecha Ayala is of legal age, single, resident and owner of the property located in Street #9, M-121, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

34. Plaintiff José A. Flecha Ortiz is of legal age, married to Zulma Oppenheimer Millán, also of legal age, both residents and owners of the property located in Street #11, M-131, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

35. Plaintiff Víctor Fuentes Rivera is of legal age, married to Lourdes Rosario Alicea, also of legal age, both residents and owners of the property located in Street #13, N-173, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

36. Plaintiff Wilfredo J. García Tolentino is of legal age, single, resident and owner of the property located in Street #9, M-116, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

37. Plaintiff Orlando Gerena Flores is of legal age, married to Yesenia García Vargas, also of legal age, both residents and owners of the property located in Street #9, L-84, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

38. Plaintiffs Yajaira García Velázquez is of legal age, single, resident and owner of the property located in Street #10, K-69, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

39. Plaintiff Glenda Liz Gavillan Burgos is of legal age, single, resident and owner of the property located in Street #9, M-118, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

40. Plaintiff Ramonita Gómez Delgado is of legal age, single, resident and owner of the property located in Street #13, M-162, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

41. Plaintiff Marline González Jorge is of legal age, married to Joseph Carrasquillo Morales, also of legal age, both residents and owners of the property located in Street #11, M-137, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

42. Plaintiff Abigail Guzmán Sustache is of legal age, single, resident and owner of the property located in Street #3, 26, of the residential area known as Urbanización Yabucoa Real, Yabucoa, Puerto Rico.

43. Plaintiff Moisés Hernández Espinosa is of legal age, married to Grissel Rodríguez Silva, also of legal age, both residents and owners of the property located in Street #13, M-161, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

44. Plaintiff Julio A. Isales García is of legal age, married to Aracelis Ortiz Reyes, also of legal age, both residents and owners of the property located in Street #9, M-115, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

45. Plaintiff Juan A. Laboy Charriez is of legal age, married to Lourdes M. Rodríguez De Jesús, also of legal age, both residents and owners of the property located in Street #13, N-187, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

46. Plaintiff Ángel L. Laboy González is of legal age, married to Ruth S. Rivera Rivera, also of legal age, both residents and owners of the property located in Street #11, O-191, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

47. Plaintiff Evelyn Lebrón Rivera is of legal age, single, resident and owner of the property located in Street #10, L-81, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

48. Plaintiff José Hiram López González is of legal age, married to Iliana Pérez De Jesús, also of legal age, both residents and owners of the property located in Street #9, M-119, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

49. Plaintiff Félix M. López Maldonado is of legal age, married to Deborah Reyes Flecha, also of legal age, both residents and owners of the property located in Street #15, M-110, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

50. Plaintiff Elisamuel López Rodríguez is of legal age, married to Rosemarie González Martínez, also of legal age, both residents and owners of the property located in Street #13, M-163, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

51. Plaintiff Evelyn Márquez Cordero is of legal age, single, resident and owner of the property located in Street #9, O-205, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

52. Plaintiff Miguel Marrero Pérez is of legal age, married to Lourdes Amadeo Ocasio, also of legal age, both residents and owners of the property located in Street #14, JA-9, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

53. Plaintiff Julia Martínez Pérez is of legal age, married to Manuel Del Pozo Lafontaine, also of legal age, both residents and owners of the property

located in Street #9, J-13, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

54. Plaintiff Rosa Moctezuma Velázquez is of legal age, single, resident and owner of the property located in Street #9, M-122, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

55. Plaintiff Lydia Moctezuma Velázquez is of legal age, married to Luis Montañés De León, also of legal age, both residents of the property located in Street #9, J-17, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

56. Plaintiff Ahmed Molina Sánchez is of legal age, single, resident and owner of the property located in Street #9, J-22, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

57. Plaintiff Jacqueline A. Morales Dávila is of legal age, single, resident and owner of the property located in Street #15, M-108, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

58. Plaintiff Dominga Muñoz Claudio is of legal age, single, resident and owner of the property located in Street #9, M-114, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

59. Plaintiff Cynthia Muñoz Ortiz is of legal age, single, resident and owner of the property located in Street #9, J-20, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

60. Plaintiff Rosemary Navarro Mercado is of legal age, married to Israel Torres Báez, also of legal age, both residents and owners of the property located in Street #8, L-88, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

61. Plaintiff Rubén Ortiz Díaz is of legal age, married to Ana M. De Jesús León, also of legal age, both residents and owners of the property located in Street #13, N-169, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

62. Plaintiff Zuleika M. Peña Gómez is of legal age, married to Heriberto Sánchez Rosario, also of legal age, both residents and owners of the property located in Street #9, J-25, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

63. Plaintiff Glorimar Pérez Báez is of legal age, single, resident and owner of the property located in Street #9, M-125, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

64. Plaintiff Militza Quiñones Morales is of legal age, married to Lisander Merced Abreu, also of legal age, both residents and owners of the property located in Street #14, N-172, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

65. Plaintiff Luz Ramírez Pinott is of legal age, single, resident and owner of the property located in Street #13, M-142, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

66. Plaintiff Javier Alberto Ramírez Santiago is of legal age, married to Mariel Orofre Sánchez, also of legal age, both residents and owners of the property located in Street #15, M-111, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

67. Plaintiff Idaliz Rivera Cruz is of legal age, single, resident and owner of the property located in Street #13, M-139, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

68. Plaintiff Fernando E. Rodríguez Charlemagne is of legal age, single, resident and owner of the property located in Street #9, O-202, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

69. Plaintiff Giselle Rodríguez Vega is of legal age, single, resident and owner of the property located in Street #9, J-26, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

70. Plaintiff Mayra Rojas Gómez is of legal age, single, resident and owner of the property located in Street #13, N-185, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

71. Plaintiff Pedro Roldán Cuadrado is of legal age, married to Ruth López Torres, also of legal age, both residents and owners of the property located in Street #9, M-109, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

72. Plaintiff Edgar Roldan Fontañez is of legal age, married to Carmen M. Guerrero Dávila, also of legal age, both residents and owners of the property located in Street #15, M-112, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

73. Plaintiff Carlos Rosa Rivera is of legal age, single, resident and owner of the property located in Street #14, JA-7, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

74. Plaintiff Kenia I. Ruffat Velásquez is of legal age, single, resident and owner of the property located in Street #13, N-183, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

75. Plaintiff Yadira Ruiz Dávila is of legal age, married to Frankie Díaz Rivera, also of legal age, both residents and owners of the property located in Street #9, M-126, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

76. Plaintiff Cesar Sánchez Serrano is of legal age, married to Elizabeth Martínez Pérez, also of legal age, both residents and owners of the property located in Street #9, J-11, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

77. Plaintiff Cleorfa I. Santana Pérez is of legal age, married to Nelson Rivera Arroyo, also of legal age, both residents and owners of the property located in Street #8, L-92, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

78. Plaintiff José Ángel Santana Morales is of legal age, married to Yoberani Rodríguez Acevedo, also of legal age, both residents and owners of the property located in Street #13, N-186, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

79. Plaintiff Luis G. Silva Nazario is of legal age, married to Marjorie A. Algarín Rodríguez, also of legal age, both residents and owners of the property located in Street #14, JA-5, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

80. Plaintiff Sonia Soto Tolentino is of legal age, single, resident and owner of the property located in Street #13, M-153, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

81. Plaintiff Jackeline Vázquez Cruz is of legal age, single, resident and owner of the property located in Street #14, JA-2, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

82. Plaintiff Dermilis Vázquez Cruz is of legal age, single, resident and owner of the property located in Street #11, M-135, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

83. Plaintiff Emichelle Vega Torres is of legal age, single, resident and owner of the property located in Street #9, J-10, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

84. Plaintiff Julio Vila Rivera is of legal age, married to Omayra Santiago Gómez, also of legal age, both residents and owners of the property located

in Street #9, J-21, of the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

85. Plaintiff, Mr. John Doe, is of legal age, married to Mrs. Jane Doe, also of legal age, both residents and owners of the property located in the residential area known as Urbanización Jardines de Yabucoa, Yabucoa, Puerto Rico.

86. All of the aforementioned Plaintiffs are the requesters of the withheld records.

87. Defendant, Federal Emergency Management Agency, (herein after FEMA) is an agency under the command/supervision of the DHS. FEMA is an agency within the meaning of U.S.C. § 552(f) and has possession and control over the records that Plaintiffs seek.

88. Defendant Craig Fugate, is FEMA's Administrator. Defendant Craig Fugate is responsible for FEMA compliance with the laws of the United States and regulations promulgated thereunder, including the laws and regulations at issue in this case.

IV. FACTS

89. **On February 3, 2009**, a Complaint was filed in the Superior Court of Fajardo, Puerto Rico, in the case of Cecilia Abreu Rodríguez, et al, vs. Popular Mortgage of Puerto Rico, et al, Civil Case Number NSCI2009-002451.

90. The aforementioned Complaint has the intention of redressing numerous property and emotional damages suffered by Plaintiffs caused by flooding during some heavy rainfalls in a property zoned as a flood zone by FEMA in the town of Yabucoa.

91. By certified letter dated **November 25, 2008**, Plaintiffs, through the undersigned attorney, requested FEMA under the Freedom of Information Act (FOIA) a copy of the full files regarding the Jardines de Yabucoa Development, Yabucoa, Puerto Rico, Community No. 720000. Specifically the full files of:

- a.) Case No. 07-02-1156P, Dated September 24, 2007. Follows Conditional Case No. 06-02-B015R;

- b.) Case No. 08-02-0253A, Dated November 29, 2007. Community No. 72000;

- c.) Case No. 08-02-0031A, Dated November 29, 2007.

- d.) Flood Insurance Rate Map (FIRM). Community No. 720001815H;

- e.) Flood Boundary and Floodway Map (FBFM). Community No. 72000;

- f.) Flood Hazard Boundary Map (FHBM). Community No. 72000;

- g.) Flood Insurance Study (FIS) report or National Flood Insurance Program (NFIP) map. Community No. 72000. Type: Firm No. 72000C1815H, Date: April 19, 2005.

98. By letter dated **February 2, 2009**, Plaintiffs sent FEMA a second request letter, since no response was ever received concerning our first request within the deadline imposed to the agency of 20 days as per FOIA.

99. On **February 9, 2009**, we received a letter from a FEMA Senior FOIA Specialist, Pauline Byrd, by which she acknowledges receipt of our request and were told that one of the processors in the office will respond to our request as expeditiously as possible. In said letter we were given a reference number: FEMA request #09-157.

100. Ever since having received the aforementioned letter we have been calling to the numbers given to us in FEMA's letter, and all we have been told is that the Chief Counsel has the case for assessment and to call again.

101. During one of our follow-up calls, on **April 17th, 2009**, between the undersigned attorney and a Mr. Kirby Rowe, we were told to send FEMA a clarifying statement as to why the need for the documents requested and complied with said request on the same day.

102. By letter dated **July 10, 2009**, Plaintiffs sent to the Department of Homeland Security, Attention Catherine M. Papoi, Chief FOIA Officer a last request indicating also a notice of the 20 day statutory deadline violation.

103. By a second letter dated **July 10, 2009**, Plaintiffs sent to the Federal Emergency Management Agency, Attention Alisa Turner, Disclosure Officer, a last request indicating also a notice of the 20 day statutory deadline violation.

104. To this date, nearly 8 months have passed since our first request letter was sent and we have not received the requested documents nor we have been told that our request has been denied.

V. CAUSES OF ACTION

First Cause of Action: Violation of the FOIA for Failure to Timely Respond to Requests of Documents and Information

105. Plaintiffs repeat and reallege paragraphs 1 through 104.

106. Defendants failure to timely respond to Plaintiffs requests violates the Freedom of Information Act, 5 U.S.C. § 552 (a)(6)(C)(i).

Second Cause of Action: Violation of the Administrative Procedure Act for Failure to Timely Respond to Requests of Documents and Information

107. Plaintiffs repeat and reallege paragraphs 1 through 106.

108. Defendants failure to timely respond to Plaintiffs requests of documents and information constitutes agency action unlawfully withheld and unreasonably delayed, in violation of the APA.

VI. REQUESTED RELIEF

WHEREFORE, Plaintiffs request that this Court:

- a.) Declare that Defendants refusal to disclose the records requested by Plaintiffs is unlawful, arbitrary, capricious, an abuse of discretion and not in accordance with law and without observance of procedure required by law, all in violation of the Freedom of Information Act, 5 U.S.C. § 552, as amended;

- b.) Order defendants immediately to process the requested records in their entireties;
- c.) Order Defendants, upon completion of such processing, to disclose the requested records in their entireties and make copies available to the Plaintiffs through the undersigned attorney;
- d.) Award Plaintiffs their costs and reasonable attorneys fees incurred in this action as provided by U.S.C. § 552(a)(4)(E); and
- e.) Grant such other relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 27th day of August 2009.

RODRIGUEZ-GARCIA, P.S.C.

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